

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL ACTION NO. 1:12cr12-KS-MTP-1

GLENN BONANO, JR.

**AMENDED ORDER PARTIALLY DENYING AND PARTIALLY GRANTING
PETITIONER'S REQUEST FOR *IN FORMA PAUPERIS*
STATUS AND REQUIRING PETITIONER TO PARTIALLY PAY THE APPEAL FEE**

Petitioner, an inmate currently incarcerated, has filed an application to proceed *in forma pauperis* on this case. The Petitioner's request for waiver of fees and costs filed January 29, 2016, and March 1, 2016 [394][396], states that he has a total monthly income of \$446.00 in gifts, for which he uses \$246.00 for phone, commissary and email accounts. (See [396]). Document [394-4] shows his monthly income as \$300.00. Document [394-1] shows that he has a balance available of \$1,395.72. The fee for appealing is \$505.00. U.S.C. § 1915(a) provides access to the courts if a petitioner does not have financial resources to pay any part of the statutory filing fee. See *Williams v Estess*, 681 F. 2d 946 (5th Cir. 1982); *Prows v. Kastner*, 842 F. 2d 138 (5th Cir. 1998). This Court notes that the Petitioner is currently incarcerated and does not pay for room, food, or clothing. Under the circumstances, this Court in exercising its discretion, has determined that the Petitioner has the financial resources to pay \$200.00 toward the appeal fee. Therefore, Petitioner's application to proceed *in forma pauperis* is partially well-taken and is partially denied. Accordingly, it is

ORDERED AND ADJUDGED:

1. That Petitioner's application to proceed *in forma pauperis* on appeal is **partially denied and partially granted**.

2. That Petitioner has twenty (20) days from the entry of this order to submit to this Court the \$200.00 appeal fee. Accompanying Petitioner's's payment shall be a written explanation that the money is being submitted as payment of the appeal filing fee in this case, criminal case number 1:12cr12-1, on behalf of Petitioner Glenn Bonano, Jr., #16588-043.
3. That if the \$200.00 appeal fee is not received, Petitioner is hereby warned that this appeal may be dismissed without further written notice.
4. That the Petitioner is further warned that the failure to keep this Court advised of his current address may result in this appeal being dismissed.

SO ORDERED on this the 18th day of March, 2016.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE